

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Strata laws make clear who gets common use

Topic: What to review prior to purchasing a strata lot

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With the upturn in the real-estate market, many potential purchasers are asking for definitions of terms in the Strata Property Act.

Commonly misunderstood terms are the definitions of property – specifically, common property versus limited common property.

A White Rock purchaser recently discovered that what she thought was a ground-floor patio area for her exclusive use – limited common property – was, in fact, common property.

Much to her dismay, the area is not for her exclusive use. The residents of the strata routinely use the area for gatherings and family outdoor activities.

Had she reviewed the strata plan and rules of the corporation she would have discovered the area was designated as common property with specific rules for its use.

Strata Law: The designation of property showing the boundaries of the strata lots and of limited common property can be found on the registered strata plan and common listing sheet for the strata plan.

The area of the strata lot and limited common property allocated to the lot are of the greatest

interest to individual purchasers. The right to “exclusive” use may also make owners responsible for the associated maintenance and repair.

Tips: Strata corporations are required to maintain copies of the registered strata plan, bylaws, rules and any changes to the designation of properties.

Reviewing these documents and copies of any short-term, exclusive-use agreements for common property will help you understand your obligations and responsibilities before you make the purchase.

Next week: The difference between contingency funds and operating accounts.

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